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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,302	11/03/2003	Glen Van Datta	450133-04877	5239
20/999 7590 11/23/2010 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
LE, CHAU D				
ART UNIT		PAPER NUMBER		
2493				
MAIL DATE		DELIVERY MODE		
11/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/701,302	Applicant(s) DATTA ET AL.
Examiner CHAU D. LE	Art Unit 2493

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2 and 7-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Carl Colin/
Acting SPE of Art Unit 2493

/C. D. L./
Examiner, Art Unit 2493

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant argues claim 1 on pages 3-4 of the Remarks received on 11/08/2010 that "Fox does not describe a first peer having a connection to a second peer in a first P2P network and not having a connection to the same peer in a second P2P network".

Examiner respectfully disagrees. Fox discloses "Grid Routers (GRs) as specialized peer brokers that route messages between the source and destination Grids. The separate Grids may be set up to ignore all outside traffic, so that the GR acts as a proxy server... This would allow Grid administrators to maintain 'standard operating Grids' of their own resources and users, but by configuring the GR, they may quickly turn on (and turn off) access to their Grid resources from other Grids" (Page 7, Section Applications and Limitations of VPNs for Grids). Fox further discloses on Page 9 an example, "I may have publication privileges to the topics 'Test Bed' and to 'Restricted/Share' but no to the topic 'Restricted/Private', so I can assess Resources assess Resources R3-R5 within the Grid for executing services". Fox teaches the ability to configure the Grid Routers to allow access to particular resources within the Grid. Examiner interpret Fox to include a first peer (i.e., R2 Fig. 2) having a connection to a second peer (i.e., R4) in a first P2P network (i.e., GR2) and not having a connection to the same peer in a second P2P network (i.e., configured the Grid Router GR1 to be off). Examiner can also respectfully interpret Fox to teach a first peer (i.e., R1 Fig. 2) having a connection to a second peer (i.e., R2) in a first P2P network (i.e., connection between R1 and R2 via GR3) and not having a connection to the same peer in a second P2P network (i.e., R1 and R2 not connectable via GR4 or GR5).

Applicant argues on pages 4-5 of the Remarks that "no prima facie case of obviousness can be made because the proposed modification of Traversat with Fox changes the principle of operation of Traversat".

The examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Traversat teaches "members of a peer group may be configured to share a network service or content with other members of that peer group only, so that a peer group may define a limited domain of availability for network services or content" (Paragraph 0027). By incorporating the teaching of Fox to the system of Traversat, one of ordinary skill in the art would be able to configure Grid Routers (specialized peers) to restrict and only share network services or content to members of that peer group only. (Page 7, Section Applications and Limitations of VPNs for Grids, Page 9 and Fig. 2)

Applicant argues claims 7, 18, 21 & 24 on page 6 of the Remarks for the same reasons as discussed above with respect to claim 1, therefore please see responses to claim 1 above.